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Report of the Committee on Relations with the Host Country

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Chapter I
Introduction

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution 2819 (XXVI). The Assembly, by its resolution 69/128, decided to include in the provisional agenda of its seventieth session the item entitled "Report of the Committee on Relations with the Host Country". The present report is submitted pursuant to resolution 69/128.

2. The report consists of four chapters. The recommendations and conclusions of the Committee are contained in chapter IV.

Chapter II
Membership, composition, terms of reference and organization of the work of the Committee

3. The Committee is composed of 19 members, as follows:

Bulgaria	Iraq
Canada	Libya
China	Malaysia
Costa Rica	Mali
Côte d'Ivoire	Russian Federation
Cuba	Senegal
Cyprus	Spain
France	United Kingdom of Great Britain and Northern Ireland
Honduras	
Hungary	United States of America

4. The Bureau of the Committee consists of the Chair, the three Vice-Chairs, the Rapporteur and a representative of the host country who attends Bureau meetings ex officio. During the reporting period, the Bureau was composed as follows:

Chair:
Nicholas Emiliou (Cyprus)

Vice-Chairs:
Boyan Belev (Bulgaria)
Giles Andrew Norman (Canada)
Koffi Narcisse Date (Côte d'Ivoire)

Rapporteur:
Georgina Guillén-Grillo (Costa Rica)

5. At its 272nd meeting, the Committee was informed of the departure of Boyan Belev (Bulgaria), who had served as Vice-Chair.

6. The terms of reference of the Committee were determined by the General Assembly in its resolution 2819 (XXVI). In May 1992, the Committee adopted, and in March 1994 slightly modified, a detailed list of topics for its consideration, which is set out in annex I to the present report. The Committee issued three documents during the reporting period, which are listed in annex II.

7. During the reporting period, the Committee held the following meetings: the 270th meeting, on 11 February 2015; the 271st meeting, on 1 May 2015; the 272nd meeting, on 30 July 2015; the 273rd meeting, on 5 October 2015; and the 274th meeting, on 30 October 2015.

Chapter III
Topics dealt with by the Committee

A. Entry visas issued by the host country

8. At the 272nd meeting, the observer for the State of Palestine expressed his regret regarding the obstacles faced by Palestinian diplomats in acquiring entry visas from the host country, noting that it had taken two and a half months for his visa to the United States of America to be issued. Furthermore, the visa issued was valid for only one year, and renewing the visa could take approximately two months and required constant follow-up. He faced many problems due to the visa's short validity period and lengthy renewal process. If he travelled out of the United States for official duties and his visa expired while travelling, it would take him another two months or more to renew his visa before he could return to the United States, which would result in an interruption in his diplomatic duties, as other Palestinian diplomats who preceded him had experienced. He looked forward to resolving these issues with the authorities of the host country.

9. At the 273rd meeting, the representative of the Russian Federation informed the Committee of the inability of the Chair of the Federation Council of the Federal Assembly of the Russian Federation, Valentina Matvienko, to attend the meetings held under the auspices of the Inter-Parliamentary Union (IPU) from 31 August to 2 September 2015 in the United Nations building due to issues concerning the issuance of an entry visa by the host country. His delegation had sent a note verbale to the United States Mission to the United Nations on this issue, to which there had not yet been a response. It was not the first occasion in which the United States had taken a selective and discriminatory approach to the issuance of entry visas. He recalled that the denial of entry visas in connection with IPU events had been considered by the Committee in the past. In 2000, following a conclusion by the Committee on this issue, the Secretary-General had approached the authorities of the host country with a special request to review an initial decision to deny an entry visa that had been requested in connection with an IPU event that year.

10. He also noted that IPU had been granted observer status at the General Assembly in 2002. Resolution 68/272 referred to the interaction between IPU and the United Nations. In particular, in paragraph 5 of that resolution, the General Assembly envisaged that the Fourth World Conference of Speakers of Parliament would be held at United Nations Headquarters, as part of the series of high-level meetings in 2015. Ms. Matvienko had been invited to the Conference. The wording of the resolution provided sufficient justification to consider that IPU event as part of official United Nations business, as defined in section 11 of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, and therefore unimpeded access should have been granted. The issuance of visas for that event was not a matter of courtesy but a legal requirement. His delegation was waiting for a response from the United States Mission and would consider what further action would be warranted on the basis of the response received.

11. The representative of the host country noted that a diplomatic G visa to enter the United States to attend a meeting with the Secretary-General had been issued to Ms. Matvienko on 26 August 2015, but that she had apparently decided in the end

not to travel to the United States. With regard to the note verbale issued by the Permanent Mission of the Russian Federation, his delegation would discuss this matter bilaterally with the delegation of the Russian Federation and decide on an appropriate response in due course.

12. The representative of Cuba expressed her delegation's view that Member States should respect and meet all of their legal obligations, particularly those under the Headquarters Agreement. Her delegation hoped that the necessary measures would be taken by the host country authorities to ensure that such incidents did not recur.

13. The representative of China stated that his delegation trusted that, on the basis of the clarification of facts provided, the matter would be appropriately handled on the basis of the Headquarters Agreement and the 1946 Convention on the Privileges and Immunities of the United Nations.

14. In response to the statement by the representative of the host country, the representative of the Russian Federation wished to clarify that, while a visa had been issued by the United States to Ms. Matvienko, it came with restrictions that made it impossible for her to attend the IPU meeting.

15. The Chair stated that the Committee took the issue of the timely granting of visas by the host country for the purpose of attending United Nations meetings seriously and that the Committee would continue to monitor that matter and the issuance of visas in general. It was his understanding that, irrespective of the close relationship between IPU and the United Nations, the event in question had not been a United Nations meeting. The Committee would await a response in writing from the host country to the Permanent Mission of the Russian Federation and would be prepared to consider the matter further, if necessary.

16. The representative of the Russian Federation stated that, while IPU events and United Nations events are not exactly the same, his delegation's legal analysis had concluded that the IPU event should be considered as official United Nations business, pursuant to a proper reading of General Assembly resolution 68/272. This was a recent resolution, which had introduced new elements into the relationship between the United Nations and IPU. He urged all Member States to take note of that development.

B. Host country activities: activities to assist members of the United Nations community

17. At the 271st meeting, the observer for the Syrian Arab Republic informed the Committee that banking services had been granted by the United Nations Federal Credit Union to members of the Permanent Mission of the Syrian Arab Republic. He expressed his delegation's gratitude to the Chair and the representatives of the host country for their assistance in that regard.

18. The observer for the Islamic Republic of Iran recalled that difficulties faced by missions in obtaining bank accounts in the host country were an ongoing problem. He was aware of at least one other mission that had not been able to obtain a bank account. He requested further information from the Chair about whether any discussions were under way with representatives of the host country to resolve this issue.

19. The Chair stated that he was aware of the continued difficulties faced by certain delegations in obtaining bank accounts and noted that the United Nations Federal Credit Union was currently prepared to provide banking facilities to any delegation or diplomat. With regard to the difficulties faced by certain missions, he discussed the issues bilaterally with the mission concerned to determine the nature of the problems faced and the possible solutions available.

20. At the 272nd meeting, the representative of the host country informed the Committee that an information session on the logistics concerning the arrival of dignitaries and delegations ahead of the high-level segment of the seventieth session of the General Assembly, including transportation and security matters, would be held on 3 September 2015. Representatives of the administrative personnel of all delegations had been invited and encouraged to attend the information session. All delegations were also encouraged to submit in advance any queries concerning attendance at the high-level segment to the representatives of the host country.

C. Other matters

21. At the 270th meeting, the Committee agreed to meet in informal consultations to consider paragraph 12 of General Assembly resolution 69/128 on additional appropriate measures to enhance the work of the Committee and its effectiveness. Informal consultations were held on 24 February 2015, attended by members of the Committee and observers.

22. At the 273rd meeting, the Chair recalled that, at the end of the informal consultations, he had invited all delegations to submit their proposals in writing in order to further the discussions on paragraph 12 of resolution 69/128 on additional appropriate measures to enhance the work of the Committee and its effectiveness in the formal sessions of the Committee. He had not received any written proposals. It was important for the Committee to maintain flexibility in holding its meetings, especially given its mandate and the nature of its work. Such flexibility should be properly balanced against the need to ensure that the documents and reports of the Committee were issued in a timely manner, and it was his intention to achieve that balance. Members and observers were still welcome to submit any proposals that they might have on enhancing the work of the Committee and its effectiveness for consideration by the Committee.

23. The observer for Serbia wished to inform the Committee of his delegation's strong objection to the participation of representatives of Kosovo in an event organized by the United States at Headquarters on 29 September 2015. His delegation regarded the decision by the United States to issue a visa to the representatives of Kosovo to participate in that event as a severe violation of the Headquarters Agreement, the mandate of the United Nations and the applicable practice, rules and procedure. Representatives of Kosovo had attended briefings to the Security Council on the quarterly reports of the United Nations Interim Administration Mission in Kosovo, in accordance with the provisional rules of procedure of the Security Council and well-established practice. His delegation had informed the Secretary-General that it considered this action to be a violation of the status-neutral position of the United Nations on Kosovo and requested clarification of the grounds on which representatives of Kosovo had been allowed to participate in the event.

24. The representative of the Russian Federation stated that his delegation was also concerned that an invitation had been issued by the United States to Kosovo, although Kosovo was not a State or a Member State of the United Nations. Representatives of Kosovo could not be allowed on United Nations premises except under specific circumstances and accompanied by members of the Secretariat. He was concerned that the representatives of Kosovo were being put on an equal footing with representatives of Member States on the basis of the invitation by the United States. As far as he was aware, United Nations officials in the Secretariat had protested against this situation, but their objections had not been properly addressed by those who had organized the meeting. Such actions by the delegation of the United States undermined the standing of the United Nations and the Secretary-General and were a violation of the rules governing the Organization. In addition, a few years ago, a Member State had suggested inviting representatives from Abkhazia and South Ossetia to an informal meeting at Headquarters to consider a draft resolution on refugees. On that occasion, the United States had declined to grant visas to them. With respect to the incident on 29 September 2015, the Secretariat was not able to exercise due control over Headquarters in accordance with section 7 (a) of the Headquarters Agreement. He called on the Secretariat and the host country to not allow such situations to recur in the future.

25. The representative of Cyprus joined the representative of the Russian Federation and the observer of Serbia in expressing her delegation's concern regarding the presence of representatives of Kosovo at the event. Her delegation trusted that the matter would be fully reviewed.

26. The Chair noted that the meeting in question was organized at the margins of the general debate of the General Assembly. He recognized the sensitivities of Member States, and it was the responsibility of the delegations organizing the meetings or of the host country to observe the rules and practice of the United Nations in that respect. The Committee would continue to monitor the situation in the case of future similar meetings.

27. The observer for Serbia stated that, although the meeting was held at the margins of the general debate, it was nevertheless held at Headquarters and indicated in the calendar of meetings. In this regard, the participation of representatives of Kosovo and the access granted to them on the basis of a status equal to that of representatives of a Member State was incorrect.

Chapter IV
Recommendations and conclusions

28. **At its 274th meeting, on 30 October 2015, the Committee approved the following recommendations and conclusions:**

(a) **The Committee reaffirms the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, the provisions of the 1961 Vienna Convention on Diplomatic Relations and the 1946 Convention on the Privileges and Immunities of the United Nations;**

(b) **Considering that the maintenance of appropriate conditions for the delegations and missions accredited to the United Nations is in the interest of the United Nations and all Member States, the Committee appreciates the efforts made by the host country to that end and anticipates that all issues raised at its meetings, including those referred to below, will be duly settled in a spirit of cooperation and in accordance with international law;**

(c) **The Committee notes that the observance of privileges and immunities is an issue of great importance. The Committee emphasizes the need to solve, through negotiations, problems that might arise in this regard for the normal functioning of the delegations and the missions accredited to the United Nations. The Committee urges the host country to continue to take appropriate action, such as training of police, security, customs and border control officers, with a view to maintaining respect for diplomatic privileges and immunities. If violations occur, the Committee urges the host country to ensure that such cases are properly investigated and remedied, in accordance with applicable law;**

(d) **Considering that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee appreciates the efforts made by the host country to this end and anticipates that the host country will continue to take all measures necessary to prevent any interference with the functioning of the missions;**

(e) **The Committee notes that permanent missions continue to implement the Diplomatic Parking Programme and shall remain seized of the matter, with a view to continuously ensuring the proper implementation of the programme in a manner that is fair, non-discriminatory, effective and therefore consistent with international law;**

(f) **The Committee requests the host country to continue to bring to the attention of New York City officials reports about other problems experienced by permanent missions or their staff in order to improve the conditions for their functioning and to promote compliance with international norms concerning diplomatic privileges and immunities, and to continue to consult the Committee on those important issues;**

(g) **The Committee recalls that, in accordance with paragraph 7 of General Assembly resolution 2819 (XXVI), the Committee shall consider and advise the host country on issues arising in connection with the implementation of the Headquarters Agreement;**

(h) The Committee anticipates that the host country will continue to enhance its efforts to ensure the issuance of entry visas to representatives of Member States pursuant to article IV, section 11, of the Headquarters Agreement to enable travel, in a timely manner, to New York on official United Nations business, including to attend official United Nations meetings, and notes that a number of delegations have requested shortening the time frame applied by the host country for the issuance of entry visas to representatives of Member States, since this time frame poses difficulties for the full-fledged participation of Member States in United Nations meetings; the Committee also anticipates that the host country will continue to enhance efforts to facilitate the participation, including visa issuance, of representatives of Member States in other United Nations meetings, as appropriate. The Committee also remains seized of particular entry visa-related issues raised at its meetings and anticipates that these issues shall be duly addressed in a spirit of cooperation and in accordance with international law;

(i) Concerning travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities, the Committee urges the host country to remove the remaining travel restrictions and, in that regard, notes the positions of the affected Member States, as reflected in the report of the Secretary-General, and of the host country;

(j) The Committee stresses the importance of permanent missions, their personnel and Secretariat personnel meeting their financial obligations;

(k) The Committee expresses concern over the difficulties that continue to be experienced by some permanent missions in obtaining suitable banking services, which are having a deleterious effect on the ability of those missions to perform their functions, and welcomes the significant efforts of the host country to facilitate the opening of bank accounts for permanent missions with other financial institutions, taking note of General Assembly resolution 68/306 in this respect;

(l) The Committee takes note of matters raised under section III.C of the present report;

(m) The Committee welcomes the participation of States Members of the United Nations that are not members of the Committee in its work. The Committee also welcomes the contribution of the Secretariat to its work and emphasizes its importance. The Committee is convinced that its important work has been strengthened by the cooperation of all concerned;

(n) The Committee wishes to reiterate its appreciation to the representative of the United States Mission to the United Nations in charge of host country affairs, to the Host Country Affairs Section of the United States Mission and the Office of Foreign Missions, as well as to those local entities, in particular the Mayor's Office for International Affairs, that participate in its meetings and contribute to its efforts to help to accommodate the needs, interests and requirements of the diplomatic community and to promote mutual understanding between the diplomatic community and the people of the City of New York.

Annex I

List of topics for consideration by the Committee

1. Question of the security of missions and the safety of their personnel.
2. Consideration of and recommendations on issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, including:
   (a) Entry visas issued by the host country;
   (b) Acceleration of immigration and customs procedures;
   (c) Exemption from taxes.
3. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto.
4. Housing for diplomatic personnel and for Secretariat staff.
5. Question of privileges and immunities:
   (a) Comparative study of privileges and immunities;
   (b) Convention on the Privileges and Immunities of the United Nations and other relevant instruments.
6. Host country activities: activities to assist members of the United Nations community.
7. Transportation: use of motor vehicles, parking and related matters.
8. Insurance, education and health.
9. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations.
10. Consideration and adoption of the report of the Committee to the General Assembly.

Annex II

List of documents

A/AC.154/407	Letter dated 8 May 2015 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chair of the Committee on Relations with the Host Country
A/AC.154/408	Letter dated 25 June 2015 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Chair of the Committee on Relations with the Host Country
A/AC.154/409	Letter dated 21 September 2015 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Chair of the Committee on Relations with the Host Country

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